

## State Water Resources Control Board

Division of Drinking Water

August 29, 2017  
System No. 2400206

Mr. Greg Thompson, Environmental Manager  
Joseph Gallo Cheese Company Water System  
P.O. Box 775  
Atwater, CA 95301

**RE: Compliance Order No. 03-11-17R-003 - Arsenic Maximum Contaminant Level Violation  
For 2017**

Dear Mr. Thompson:

Enclosed is a Compliance Order issued to the Joseph Gallo Cheese Company (hereinafter "Water System") public water system.

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Board") hourly rate for the time spent on issuing this citation. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. The Water System will receive a bill sent from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code, Section 116625) or Article 9 (commencing with Health and Safety Code, Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed compliance order contains the relevant statutory provisions for filing a petition for reconsideration. (Health and Safety Code, Section 116701).

Petitions must be received by the State Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

August 29, 2017

If you have any questions regarding this matter, please contact Austin Ferreria of my staff or me at (559) 447-3300.

Sincerely,



Kassy D. Chauhan, P.E.

Senior Sanitary Engineer, Merced District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

KDC/MLM  
Enclosures

Certified Mail No.: 7016 3010 0000 0446 2550

cc: Merced County Environmental Health Department  
Mr. Scott Crist, P.O. Box 2214, Los Banos, CA 93635

**STATE OF CALIFORNIA  
WATER RESOURCES CONTROL STATE BOARD  
DIVISION OF DRINKING WATER**

IN RE: **JOSEPH GALLO CHEESE COMPANY**  
Water System No. 2400206

TO: Mr. Greg Thompson, Environmental Manager  
P.O. Box 775  
Atwater, CA 95301

CC: Merced County Environmental Health Department  
Mr. Scott Crist, P.O. Box 2214 Los Banos, CA 93635

**COMPLIANCE ORDER FOR VIOLATION  
OF CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64431  
ARSENIC MCL VIOLATION**

Issued on August 29, 2017

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

The State Water Resources Control State Board (hereinafter "State Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a compliance order to the Joseph Gallo Cheese Company (hereinafter "Water System") (10561 West Highway 140 Atwater CA 95301) for violation of California Code of Regulations (CCR), Title 22, Section 64431.



1  
2 **APPLICABLE AUTHORITIES**

3 The applicable statutes and regulations are provided in Appendix 1, attached hereto and  
4 incorporated by reference.

5  
6 **FINDINGS**

7 The Joseph Gallo Cheese Company is a nontransient-noncommunity water system located in  
8 Merced County. The Water System serves water to the cheese processing operations and dairy  
9 operations through three (3) service connections. The Water System has a population of at  
10 least 304 employees for more than six months of the year. The Water System uses groundwater  
11 obtained from the three on-site wells (Well No. 1, Well No. 2 and Well No. 3).

12  
13 Beginning on January 23, 2006, the U.S. Environmental Protection Agency (USEPA) adopted a  
14 revised maximum contaminant level (MCL) for arsenic of 0.010 mg/L (milligrams per liter). The  
15 arsenic MCL of 0.010 mg/L was adopted for California and became effective on November 28,  
16 2008. Prior to this date, any non-compliance issues were referred to U.S. EPA for enforcement  
17 action.

18  
19 In April 2017, the Water System failed to meet the arsenic MCL of 0.010 mg/l in water produced  
20 by Well No. 3. The Water System has been monitoring Well No. 3 for arsenic on a quarterly  
21 basis. Based on the most recent quarterly arsenic results, Well No. 3 was showing a running  
22 annual average (RAA) that exceeds the arsenic MCL. The quarterly arsenic analysis results and  
23 the calculated running annual average are shown in the table below.  
24  
25  
26  
27

Based on historical arsenic results as shown in the table below and historical correspondence forwarded by the Merced County Environmental Health Department to the Division, the Water System failed to meet the arsenic MCL of 0.010 mg/l in the water produced by Well No. 2.

The water produced by Well No. 1 exceeds the nitrate MCL of 10 mg/l (as Nitrogen). Well No. 1 is valved off from the distribution system and only permitted as inactive well.

**Table 1: Well 1 - Arsenic Analysis Results and RAA**

Well No. 1 (2400206-001)		Well No. 2 (2400206-002)		Well No. 3 (2400206-003)	
Sample Date	Arsenic, mg/l	Sample Date	Arsenic, mg/l	Sample Date	Arsenic, mg/l
7/13/16	0.0031	7/13/16	0.016	4/6/17	0.011
5/26/15	0.0051	5/26/15	0.014	1/5/17	0.013
6/27/07	0.007	6/29/07	0.015	10/6/16	0.011
6/14/05	0.003			7/13/16	0.013
<b>RAA</b>	<b>0.0045</b>		<b>0.015</b>		<b>0.012</b>

### **DETERMINATIONS**

Based on the above Findings, the Division has determined that the Water System has violated provisions contained in Title 22, California Code of Regulations (CCR) Section 64431 (a). Specifically, the water produced by the Water System exceeds the maximum contaminant level

1 of 0.010 mg/L for arsenic, and therefore, does not comply with a primary drinking water  
2 standard.

3  
4 **DIRECTIVES**

5 The Joseph Gallo Cheese Company is hereby directed to take the following actions:

- 6
- 7 1. On or before October 31, 2020, comply with CCR, Title 22, Section 64431 and remain in  
8 compliance.
- 9
- 10 2. On or before September 30, 2017, submit a written response to the Division indicating its  
11 agreement to comply with the directives of this Order and with the Corrective Action Plan  
12 addressed herein.
- 13
- 14 3. Commencing on the date of service of this Order, continue to provide quarterly public  
15 notification in accordance with Appendix 1, hereto, of the Water System's failure to meet  
16 the arsenic MCL during any calendar quarter that the four-quarter running annual average  
17 exceeds the MCL.
- 18
- 19
- 20 4. Commencing on the date of service of this Order, submit proof of each public notification  
21 conducted in compliance with Directive No. 3, herein above, within 10 days following each  
22 such notification, using the form provided as Appendix 3, hereto.
- 23
- 24 5. Commencing on the date of service of this Order continue to collect quarterly samples for  
25 arsenic from each well, as required by Section 64432(g), and ensure that the analytical  
26 results are reported to the Division electronically by the analyzing laboratory no later than  
27 the 10th day following the month in which the analysis was completed.



- 1  
2 6. Prepare for the Division's approval a Corrective Action Plan for improvements to the water  
3 system to correct the water quality problem (violation of the Arsenic MCL) and eliminate the  
4 need to deliver water to consumers that does not meet primary drinking water standards.  
5 The plan shall include a time schedule for completion of various phases of the project such  
6 as evaluation of alternatives, design, construction, startup and a date as of which the Water  
7 System will be in compliance with the arsenic MCL, which date shall be no later than  
8 October 31, 2020.  
9
- 10 7. On or before October 31, 2017, provide the Corrective Action Plan required under Directive  
11 No. 6, above, to the Division.  
12
- 13 8. Timely perform the Division approved Corrective Action Plan and each and every element  
14 of said plan according to the time schedule set forth therein.  
15
- 16 9. On or before October 31, 2017 and every month thereafter, submit a report to the Division  
17 in the form provided as Appendix 4, hereto, showing actions taken during the previous  
18 calendar month to comply with the Corrective Action Plan.  
19
- 20 10. Not later than ten (10) days following the date of compliance with the arsenic MCL,  
21 demonstrate to the Division that the water delivered by the Water System complies with the  
22 arsenic MCL.  
23
- 24 11. Notify the Division in writing no later than five (5) days prior to the deadline for performance  
25 of any Directive set forth herein if the Water System anticipates it will not timely meet such  
26 performance deadline.  
27

1 All submittals required by this Order shall be addressed to:

2  
3 Kassy D. Chauhan, P.E.

4 Senior Sanitary Engineer, Merced District

5 State Water Resources Control Board

6 Division of Drinking Water

7 265 W. Bullard Avenue, Suite 101

8 Fresno, CA 93704

9  
10 **PARTIES BOUND**

11 This Order shall apply to and be binding upon the Joseph Gallo Cheese Company, its officers,  
12 directors, agents, employees, contractors, successors, and assignees.

13  
14 **SEVERABILITY**

15 The Directives of this Order are severable, and the Joseph Gallo Cheese Company shall  
16 comply with each and every provision thereof notwithstanding the effectiveness of any  
17 provisions.

18  
19 **FURTHER ENFORCEMENT ACTION**

20 The California SDWA authorizes the Division to issue citations and compliance orders with  
21 assessment of administrative penalties to a public water system for violation or continued  
22 violation of the requirements of the California SDWA or any permit, regulation, permit or order  
23 issued or adopted thereunder including, but not limited to, failure to correct a violation identified  
24 in a citation or compliance order. The California SDWA also authorizes the Division to take  
25 action to suspend or revoke a permit that has been issued to a public water system if the  
26 system has violated applicable law or regulations or has failed to comply with an order of the  
27



1 Division; and to petition the superior court to take various enforcement measures against a  
2 public water system that has failed to comply with an order of the Division. The Division does  
3 not waive any further enforcement action by issuance of this compliance order.  
4  
5  
6  
7  
8

9 8-29-2017  
10 Date



11 Carl L. Carlucci, P.E.  
12 Supervising Sanitary Engineer  
13 State Water Resources Control State Board  
14 Southern California Branch  
15 Drinking Water Field Operations

16 Certified No.: 7016 3010 0000 0446 2550

17 CLC/KDC/mlm



18 Appendices:

19 Appendix 1: Applicable Authorities

20 Appendix 2: Public Notification Notice

21 Appendix 3: Proof of Notification Form

22 Appendix 4: Quarterly Progress Report Form  
23  
24  
25  
26  
27

**APPENDIX 1. Applicable Statutes and Regulations for  
Citation No. 03-11-17R-003  
Arsenic Maximum Contaminant Level Violation**

*NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.*

**California Health and Safety Code (CHSC):**

**Section 116271 states in relevant part:**

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

- (k)
- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
  - (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

**Section 116555 states in relevant part:**

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

**Section 116625 (Revocation and suspension of permits) states:**

(a) The department, after a hearing noticed and conducted as provided in Section 100171, may suspend or revoke any permit issued pursuant to this chapter if the department determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permit at issue has been temporarily suspended pursuant to subdivision (c), the accusation shall be served and notice of the hearing date given within 15 days of the effective date of the temporary suspension order. The commencement of the hearing shall be as soon as practicable, but in no case later than 60 days after the effective date of the temporary suspension order.

(b) The permittee may file with the superior court a petition for a writ of mandate for review of any decision of the department made pursuant to subdivision (a). Failure to file a petition shall not preclude a party from challenging the reasonableness or validity of a decision of the department in any judicial proceeding to enforce the decision or from pursuing any remedy authorized by this chapter.

(c) The department may temporarily suspend any permit issued pursuant to this chapter prior to any hearing when the action is necessary to prevent an imminent or substantial danger to health. The director shall notify the permittee of the temporary suspension and the effective date thereof and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing on the merits. The temporary suspension shall remain in effect until the hearing is completed and the director has made a final determination on the temporary suspension, that in any event shall be made within 15 days after the completion of the hearing. If the determination is not transmitted within 15 days after the hearing is completed, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the department of jurisdiction to proceed with a hearing on the merits under subdivision (a).

**Section 116650 states in relevant part:**

(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

**Section 116701 (Petitions to Orders and Decisions) states:**

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.

(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

**Section 64431 of Title 22, California Code of Regulations (CCR) states in relevant part: §64431. Maximum Contaminant Levels-Inorganic Chemicals.**

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A  
Maximum Contaminant Levels  
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.



Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO <sub>3</sub> )	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

\* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

**Section 64463.4 of Title 22, California Code of Regulations (CCR) states in relevant part:**

**§64463.4. Tier 2 Public Notice.**

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:
- (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
    - (A) Where a Tier 1 public notice is required under section 64463.1; or
    - (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
  - ....
  - (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
  - (4) Failure to comply with the terms and conditions of any variance or exemption in place.
- (b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:
- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
  - (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
  - ....
- (c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:
- (1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;
    - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
    - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
      1. Publication in a local newspaper;
      2. Posting in conspicuous public places served by the water system, or on the Internet; or

3. Delivery to community organizations.
- (2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
  - (A) Posting in conspicuous locations throughout the area served by the water system; and
  - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
    1. Publication in a local newspaper or newsletter distributed to customers;
    2. E-mail message to employees or students;
    3. Posting on the Internet or intranet; or
    4. Direct delivery to each customer.

**Section 64465. of Title 22, California Code of Regulations (CCR) states in relevant part:**

**§64465. Public Notice Content and Format.**

- (a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
  - (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
  - (2) The date(s) of the violation or occurrence;
  - (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
  - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
  - (5) Whether alternative water supplies should be used;
  - (6) What actions consumers should take, including when they should seek medical help, if known;
  - (7) What the water system is doing to correct the violation or occurrence;
  - (8) When the water system expects to return to compliance or resolve the occurrence;
  - (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
  - (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail"; and
  - (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [*compliance period dates*], we [*'did not monitor or test'* or *'did not complete all monitoring or testing'*] for [*contaminant(s)*], and therefore, cannot be sure of the quality of your drinking water during that time."
- .....
- (c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:
  - (1) Contain information in the appropriate language(s) regarding the importance of the notice, or
  - (2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.
- (d) Each public notice given pursuant to this article shall:
  - (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
  - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
  - (3) Not contain language that minimizes or contradicts the information being given in the public notice.

## Instructions for Tier 2 Chemical or Radiological MCLs Notice Template

### Template Attached

Since exceeding chemical or radiological maximum contaminant levels (MCLs) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

### Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery <sup>(a)</sup>	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet <sup>(b)</sup>
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet <sup>(b)</sup>
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

### Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water



system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

### **Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

### **Corrective Action**

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove [contaminant] or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for [contaminant]."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

### **After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

### Joseph Gallo Cheese Co. Has Levels of Uranium Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on July, 2017 showed Arsenic levels of 0.012 mg/l. This is above the standard, or maximum contaminant level (MCL), of 0.010 mg/l.

#### What should I do?

- You do not need to use an alternative water supply (e.g., bottled water).
- This is not an immediate risk. If it had been, you would have been notified immediately. However, Some people who drink water containing uranium in excess of the MCL over many years may have kidney problems or an increased risk of getting cancer. If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

#### What happened? What is being done?

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We anticipate resolving the problem within \_\_\_\_\_.

For more information, please contact \_\_\_\_\_ at phone number \_\_\_\_\_.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

#### Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Joseph Gallo Cheese CO.

State Water System ID#: 2400206. Date distributed: \_\_\_\_\_.



**INFORMACIÓN IMPORTANTE SOBRE SU AGUA POTABLE**

Este aviso contiene información muy importante sobre su agua potable.

**El agua de Joseph Gallo Cheese Co. tiene altos niveles de Arsénico  
que exceden el estándar para agua potable**

Nuestro sistema de agua recientemente violó un estándar para agua potable. Aunque esto no es una emergencia, como cliente nuestro, usted tiene el derecho de saber qué debería hacer, lo que pasó, y qué estamos haciendo para corregir ésta situación.

Nosotros rutinariamente hacemos monitoreo para detectar la presencia de contaminantes en el agua potable. Los resultados de pruebas de muestras que recibimos el July 2017 indicaron niveles de 0.012 mg/l. Estos niveles exceden el estándar o MCL (nivel máximo de contaminantes) de 0.010 miligramos por litro (mg/L).

**¿Qué debo hacer?**

- **Usted no tiene que usar un suministro de agua alternativo (por ejemplo, agua embotellada).**
- Esto no es una emergencia. Si esto hubiera sido una emergencia, se le hubiera notificado de inmediato. No obstante, *algunas personas que beben agua que contiene arsénico arriba del nivel máximo de contaminantes (MCL) a lo largo de muchos años, pueden experimentar daños a la piel o problemas del sistema circulatorio, y pueden tener un riesgo mayor de tener cáncer.*
- Si tiene otros problemas de salud respecto al consumo de ésta agua, usted debería consultar con su doctor.

**¿Qué sucedió? ¿Qué se está haciendo al respecto?**

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Anticipamos resolver el problema dentro de \_\_\_\_\_.

Para más información, por favor contacte a \_\_\_\_\_ al \_\_\_\_\_

*Por favor comparta esta información con todas las demás personas que tomen de esta agua, especialmente aquellos que no hayan recibido éste aviso directamente (por ejemplo, las personas en apartamentos, asilos, escuelas, y negocios). Puede hacerlo poniendo este aviso en un lugar público o distribuyendo copias en persona o por correo.*

### **Requisitos de Notificación Secundaria**

Al recibir la notificación de alguien que opere un sistema de agua público, se debe dar la siguiente notificación dentro de 10 días conforme a la Sección 116450(g) del Código de Salud y Seguridad:

- **ESCUELAS:** Deben notificar a los empleados de la escuela, estudiantes, y a los padres (si los estudiantes son menores).
- **DUEÑOS O GERENTES DE PROPIEDAD PARA ALQUILER RESIDENCIAL** (incluyendo asilos e instituciones de cuidado): Deben notificar a sus inquilinos.
- **DUEÑOS DE PROPIEDAD DE NEGOCIOS, GERENTES, U OPERADORES:** Deben notificar a los empleados de los negocios situados en la propiedad.

Este aviso es enviado por Joseph Gallo Cheese Co.

Núm. de Identificación del Sistema Estatal de Agua: 2400206.

Fecha de distribución: \_\_\_\_\_.

## Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Merced District (265 W. Bullard Ave. #101, Fresno, CA 93704 or fax to 559-447-3304), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

**Public Water System Name:** \_\_\_\_\_

**Public Water System No.:** \_\_\_\_\_

Public notification for **failure to comply with the Arsenic MCL for the quarter of 20** was performed by the following method(s) (check and complete those that apply):

The notice was published in conspicuous places on: \_\_\_\_\_

A copy of the notice is attached.

A list of locations the notice was posted is attached.

I hereby certify that the above information is factual.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers

System Number: 2400206

Enforcement Action No. 03-11-17R-003

# Quarterly Progress Report

Water System:	<b>Joseph Gallo Cheese Co</b>	Water System No.:	<b>2400206</b>
Compliance Order No.:	<b>03-11-17R-0032</b>	Violation:	<b>Arsenic MCL</b>
Calendar Quarter:	Date Prepared:		

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Merced District Office.

**Summary of Compliance Plan:**

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**Tasks completed in the reporting quarter:**

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**Tasks remaining to complete:**

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**Anticipate compliance date:**

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**Name**

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**Signature**

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**Title**

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**Date**